United Nations S/RES/2340 (2017)

Security Council

Distr.: General
8 February 2017

Resolution 2340 (2017)

Adopted by the Security Council at its 7878th meeting, on 8 February 2017

The Security Council,

Recalling its previous resolutions and statements of its President concerning Sudan,

Reaffirming its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, and to the full and timely implementation of resolution 1591 (2005), *recalling* the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region, and *further recalling* that the Government of Sudan bears the primary responsibility for protecting all populations within its territory, with respect for the rule of law, international human rights law and international humanitarian law,

Noting the importance of the work of the African Union High-Level Implementation Panel (AUHIP), the aims of the Doha Document for Peace in Darfur (DDPD), and the stated commitment of the Government of Sudan to an inclusive national dialogue building on the AUHIP's ongoing peace efforts, *welcoming* the African Union Peace and Security Council's decision to extend the AUHIP's mandate for another year, and *further welcoming* the AU Roadmap Agreement, signed by both the Government and the opposition, and *urging* the signatory groups to implement the Roadmap by working towards a negotiated cessation of hostilities and an open and inclusive political dialogue,

Reiterating the need for an end to the violence and continued violations and abuses in Darfur, *underscoring* the importance of fully addressing the root causes of the conflict in the search for a sustainable peace, and recognizing that the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,

Noting that the conflict between the Government and armed groups has mostly become limited to the Jebel Marra region and *acknowledging* an overall reduction in violence, while remaining particularly concerned at the violence and insecurity that remains, including intercommunal violence, militia activity, banditry, and fighting between the government and armed groups, *expressing concern* that such violence

Please recycle

and insecurity continues to negatively affect civilians and has contributed to an increase in the number of internally displaced persons (IDPs) observed in 2016, and that the Government of Sudan continues to restrict humanitarian access to conflict areas where vulnerable civilian populations reside, and urging the Government of Sudan to work with international partners to address the urgent humanitarian crisis faced by the people of Darfur, including by improving the facilitation of timely and unhindered humanitarian access to all areas by humanitarian agencies and personnel, consistent with the United Nations guiding principles of humanitarian assistance, including humanity, impartiality, neutrality and independence, and the relevant provisions of international law,

Emphasizing the imperative for all armed actors to refrain from all acts of violence against civilians, in particular members of vulnerable groups such as women and children, and to end all violations and abuses of human rights and violations of international humanitarian law, and *further emphasizing* that some of these acts may amount to war crimes or crimes against humanity under international law,

Expressing concern about the external links, in particular military, between non-signatory armed groups in Darfur and groups outside Darfur, *demanding* that direct or indirect military support for such armed groups in Darfur ceases, and *condemning* actions by any armed group aimed at forced overthrow of the Government of Sudan, noting there is no military solution to the conflict in Sudan,

Demanding that the parties to the conflict exercise restraint and cease military action of all kind, including aerial bombardments,

Welcoming the unilateral cessation of hostilities declarations by the parties, *urging* continued implementation of the cessation of hostilities declarations, and encouraging the parties to promptly reach a permanent cessation of hostilities,

Urging all armed groups engaged in conflict in the Jebel Marra area, including the Sudan Liberation Army-Abdul Wahid (SLA/AW) to join the AU-led peace negotiations, as a first step towards a comprehensive and sustainable peace agreement, and *recalling* its willingness to consider targeted sanctions against individuals or entities who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, or violate the measures implemented by Member States in accordance with relevant resolutions,

Recalling its resolution 2117 (2013) and the report of the Secretary-General (S/2015/289), and *expressing concern* at the threat to peace and security in Darfur arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict, and the continued threats to civilians posed by unexploded ordnance,

Deploring the continued violations of resolution 1591 (2005) by the Government of Sudan, including its Rapid Support Forces (RSF) and government-affiliated armed groups, involving the routine movement of weapons and ammunition into Darfur, without prior authorization of the 1591 committee, established pursuant to paragraph 3 of resolution 1591 (the Committee),

Demanding an immediate and complete cessation by all parties to the armed conflict of all deliberate and indiscriminate attacks on civilians, acts of sexual violence against civilians, the recruitment and use of children in violation of applicable international law, and other violations and abuses against children, and indiscriminate attacks on civilians, in line with all relevant resolutions on these issues, and *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable,

Welcoming the signing of an action plan in March 2016 between the United Nations and the Government of Sudan, to prevent the recruitment and use of children by Sudan Government Security Forces, *urging* continued progress on its implementation, and *urging* the Justice and Equality Movement (JEM)-Gibril forces to refrain from the recruitment and use of children in violation of applicable international law,

Reaffirming its concern over the negative effect of violence in Darfur on the stability of Sudan as a whole, as well as the region, *welcoming* the ongoing good relations between Sudan and Chad, and *encouraging* Sudan and the countries of the region to continue to cooperate in order to achieve peace and stability in Darfur and the wider region,

Deploring the violations of international humanitarian law and human rights violations and abuses committed by Government of Sudan security forces, their proxies, and armed groups, including those opposing the Government of Sudan, against civilians, including IDPs, particularly in the Jebel Marra area,

Stressing the need for improved cooperation between the Government of Sudan and the Panel of Experts, originally appointed pursuant to paragraph 3 of 1591 (2005) (the Panel of Experts), during the course of its mandate, *reiterating* its call on all parties in Darfur to cooperate fully with its mission, including by ensuring its free movement in, and access to, the region, notably to areas of armed conflict and areas of reported violations and abuses of human rights and violations of international humanitarian law, *expressing continued concern* at all the continued obstacles and impediments imposed by the Government of Sudan on the work of the Panel of Experts,

Recalling the report (S/2017/22) by the Panel of Experts, and *expressing* its intent to further study, through the Committee, the Panel's recommendations and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the United Nations Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring states, as well as regional and subregional organizations, can play in this regard, and *encouraging* efforts to further enhance cooperation,

Reminding all States, particularly States in the region, including the Government of Sudan, of the obligations contained in resolutions 1556 (2004), 1591

(2005), and 1945 (2010), in particular those obligations relating to arms and related materiel,

Calling on the Government of Sudan to fulfil all its commitments, including lifting the state of emergency in Darfur, allowing free expression and undertaking effective efforts to ensure accountability for violations and abuses of human rights and violations of international humanitarian law, by whomsoever perpetrated,

Noting that acts of hostility, violence or intimidation against the civilian population, including IDPs, in Darfur, endanger or undermine the parties' commitment to a complete and durable cessation of hostilities, and would be inconsistent with the aims of the DDPD,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), and 1891 (2009), 1945 (2010), 1982 (2011), 2035 (2012), 2091 (2013), 2138 (2014), 2200 (2015) and 2265 (2016) until 12 March 2018, *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than 12 February 2018, and *requests* the Secretary-General to take the necessary administrative measures, including basing arrangements, as expeditiously as possible;

2. *Requests* the Panel of Experts to provide to the Committee a first report on its activities no later than 12 August 2017, and, after discussion with the Committee, a final report to the Council no later than 12 January 2018 with its findings and recommendations;

3. *Requests* the Panel of Experts to provide updates every three months to the Committee regarding its activities, including Panel travel, and *requests* that any obstacles encountered to the fulfilment of its mandate, as well as violations of any part of the sanctions regime, be reported immediately;

4. *Requests* the Panel of Experts to report, in the timeframe identified in paragraph 3 of this resolution, on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010);

5. *Expresses concern* that the Panel of Experts was not able to access Darfur since the adoption of resolution 2265 (2016), *underscores* the need for the Panel to have full and unfettered access to all of Darfur to fulfil its mandate, throughout the length of its mandate, *insists* that the Government of Sudan remove all restrictions, limitations and bureaucratic impediments imposed on the work of the Panel of Experts, including by issuing timely multiple-entry visas to all members of the Panel of Experts for the duration of its mandate, and by waiving the requirement of Darfur travel permits for said Panel members and enhance its cooperation and information sharing with the Panel, and *stresses* that it will monitor the degree of cooperation of the Government of Sudan on such matters;

6. *Reiterates* its support for the efforts of the United Nations/African Union Hybrid Operation in Darfur (UNAMID), the United Nations Secretary-General, AUHIP, the Joint Special Representative, and the leaders of the region to promote peace and stability in Darfur;

7. *Urges* the non-signatory groups to sign the AU Roadmap urgently as an important milestone in determining a practicable way forward towards a cessation of hostilities and an inclusive political dialogue;

Arms Embargo

8. *Expresses its concern* that the direct or indirect supply, sale or transfer to Sudan of technical assistance and support, including training, financial or other assistance and the provision of spare parts, weapons systems and related materiel, could be used by the Government of Sudan to support military aircraft being used in violation of resolutions 1556 (2004) and 1591 (2005), including those aircraft identified by the panel, and *urges* all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

9. *Recalls* the Government of Sudan's obligations under resolution 1591 (2005), including the requirement to request advance approval from the Committee for the movement of military equipment and supplies into the Darfur region;

10. *Calls upon* the Government of Sudan to address the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in Darfur, which also contributes to instability in the region, and further to ensure the safe and effective management, storage and security of their stockpiles of small arms and light weapons, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition, and *calls upon* the Government of Sudan and other signatories to swiftly fulfil their commitments under the DDPD to implement and complete disarmament, demobilization and reintegration;

11. *Expresses* its concern that certain items continue to be converted for military purposes and transferred to Darfur, and *urges* all States to be mindful of this risk in light of the measures contained in resolution 1591 (2005);

Implementation

12. *Condemns* the continued violations of the measures contained in paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), as updated in paragraph 9 of resolution 1945 (2010) and 4 of resolution 2035 (2012) and *directs* the Committee, in line with its mandate and guidelines, to consult as soon as possible with any Member State about which the Committee deems there is credible information that provides reasonable grounds to believe the State is facilitating such violations or any other acts of non-compliance with these measures;

13. *Expresses its concern* that the travel ban and asset freeze on designated individuals is not being implemented by all Member States, requests the Panel to share with the Committee any information regarding possible non-compliance with the travel ban and asset freeze as soon as possible, and *directs* the Committee to respond effectively to any reports of non-compliance by Member States with

paragraph 3 of resolution 1591 (2005) and resolution 1672 (2006), including by engaging immediately with all relevant parties;

14. *Reiterates* that all States, particularly those in the region, shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee, in accordance with paragraph 3 of resolution 1591 (2005), and *calls upon* the Government of Sudan to enhance cooperation and information sharing with other States in this regard;

15. *Urges* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including imposition of targeted measures;

16. *Expresses its intention*, following the first report, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolutions 1591 (2005) and 1945 (2010), with a view to ensuring full compliance;

17. *Regrets* that some individuals of the Government of Sudan and armed groups in Darfur continue to commit violence against civilians, impede the peace process, and disregard the demands of the Council, *expresses its intention* to impose targeted sanctions against individuals and entities that meet the listing criteria of paragraph 3 (c) of resolution 1591 (2005), and *encourages* the Panel of Experts, in coordination with the Joint African Union/United Nations Mediation, to provide to the Committee when appropriate the names of any individuals, groups, or entities that may meet the listing criteria;

18. *Deplores* the attacks against UNAMID while acknowledging that such attacks have been less frequent in 2016, and *calls upon* the Government of Sudan to swiftly investigate and bring the perpetrators to justice, taking into account the findings of the 2014, 2015 and 2016 final reports of the Panel of Experts, and the Secretary-General's report of 23 December 2016 (S/2016/1109), and *reaffirms* its deep condolences to the Governments and families of those killed;

19. *Condemns* the use of civilian establishments, in particular the camps for IDPs, by the armed groups, including those opposing the Government of Sudan, to gain a military advantage in a manner that places civilians and civilian objects at risk from the dangers arising from armed conflict;

20. *Requests* the Panel of Experts to continue to investigate the financing and role of armed, military, and political groups in attacks against civilians and UNAMID personnel in Darfur;

21. *Recalls* that individuals and entities who plan, sponsor or participate in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraphs 3 (c) of resolution 1591 (2005), and *expresses its intention* to impose targeted sanctions on individuals and entities who plan, sponsor or participate in such attacks;

22. *Requests* the Panel of Experts to investigate any means of the financing of armed groups in Darfur;

Cooperation

23. *Urges* the Government of Sudan to respond to the Committee requests on measures put in place to protect civilians in all of Darfur, particularly in Jebel Marra, including those affected by new displacements; investigations conducted and accountability measures undertaken for unlawful killings of civilians and other human rights violations and abuses and violations of international humanitarian law, including investigations conducted and accountability measures undertaken for attacks against peacekeepers and humanitarian personnel; and the situation of civilian populations in areas across Darfur and in particular the Jebel Marra region affected by the humanitarian crisis, where the Panel of Experts, UNAMID and humanitarian agencies and personnel have been denied access, and measures taken to allow timely, safe, and unhindered access for humanitarian relief to these areas, in accordance with international law, including international humanitarian law, and the United Nations guiding principles of humanitarian assistance, including humanity, impartiality, neutrality and independence;

24. *Welcomes* the Committee's work, which has drawn on the reports of the Panel and taken advantage of the work done in other fora, and *urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005), resolution 1556 (2004), and resolution 1945 (2010) and to provide timely responses to information requests;

25. *Requests* the Panel of Experts to continue to coordinate its activities as appropriate with the operations of UNAMID, with international efforts to promote a political process in Darfur, and with other Panels or Groups of Experts, established by the Security Council, as relevant to the implementation of its mandate;

26. *Requests* the Panel of Experts to assess in its first and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005), paragraph 7 of resolution 1591 (2005), and paragraph 10 of resolution 1945 (2010), and progress towards removing impediments to the political process, threats to stability in Darfur and the region; violations of international humanitarian law or violations or abuses of human rights, including those that involve attacks on the civilian population, sexual- and gender-based violence, violations and abuses against children, and other violations of the above-mentioned resolutions, and to provide the Committee with information on the individuals and entities that meet the listing criteria in paragraph 3 (c) of resolution 1591;

Sanctions Committee

27. *Reaffirms* the mandate of the Committee to encourage dialogue with interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures and *further encourages* the Committee to continue its dialogue with UNAMID;

28. *Emphasizes* the importance of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

29. *Decides* to remain actively seized of the matter.